

PUBLIC SESSION MINUTES
North Carolina State Board of CPA Examiners
March 23, 2006
1101 Oberlin Road
Raleigh, NC 27605

MEMBERS ATTENDING: Leonard W. Jones, CPA, President; Arthur M. Winstead, Jr., CPA, Vice President; Jordan C. Harris, Jr., Secretary-Treasurer; Norwood G. Clark, Jr., CPA; Tyrone Y. Cox, CPA; and Michael C. Jordan, CPA.

STAFF ATTENDING: Robert N. Brooks, Executive Director; J. Michael Barham, CPA, Deputy Director; Lisa R. Hearne, Manager-Communications; Ann J. Hinkle, Manager-Professional Standards; Buck Winslow, Manager-Licensing; and Noel L. Allen, Legal Counsel.

GUESTS: James T. Ahler, Executive Director, NCACPA; Tom Chenoweth, CPA, Highland Publishing Company; and Curt Lee, Past President, NCSA.

CALL TO ORDER: President Jones called the meeting to order at 1:00 p.m.

MINUTES: The minutes of the February 20, 2006 meeting were approved as submitted.

FINANCIAL AND BUDGETARY ITEMS: The financial statements for February 2006 were accepted as submitted.

NATIONAL ORGANIZATION ITEMS: Messrs. Winstead and Harris moved to recommend submitting Mark G. McCarthy, Ph.D., CPA, for nomination to the AICPA Financial Accounting and Reporting Preparation Subcommittee for the Uniform CPA Examination. Motion passed.

REPORT OF THE PROFESSIONAL STANDARDS COMMITTEE: Mr. Winstead moved and the Board approved the following recommendations of the Committee:

200504-032 - Donald W. Wilson - Approve the signed Consent Order (Appendix I).
200509-048 - Close the case without prejudice.

REPORT OF THE PROFESSIONAL EDUCATION AND APPLICATIONS COMMITTEE: Mr. Jones moved and the Board approved the following recommendations of the Committee:

Transfer of Grades Applications - The following were approved:

Mitchell Louis Garrison
Tara L. Hughes

Amy Rebecca Kemp
Diane Giardina McGehean

Anne Morgan Rogers
Matthew Ray Rogers

Yongmei Shen
Michael Christian Williams

Original Certificate Applications - The following were approved:

Robert Louis Ball Jr.
Julie A. Barefoot
Michael Paul Berens
Matthew Ray Brown
Natalie Huffman Brown
Misty D. Buonsignore
Gregory G. Clark
Jamie Marie Collins
Curtis John Cortes
Jonathan Elliott Crane
Brian Michael Crossland
Megan Kathleen Dix
Jeffrey Scott Dudley
Danielle Lew Etheridge
David William Fisher
Joan Carolyn Fontes
Patrick Burke Fraley
Allison Hannah Franklin
Charles Richard Franklin
Robert Lee Freund
Mitchell Louis Garrison
Lisa P. Gill
Christopher Scott Gouch
Adam James Greiner
Heather M. Guenther
Jennifer Freeman Hackim
Martin Christopher Haley Jr.
Stewart Clayton Hare
Amy Hucks Hargett
Holly Renea Hatch
Amy Jennifer Hawn
Zhihong He
Amy Sanders Hendren
Tara L. Hughes

Lisa Renee Isenhour
Jawnza Dunbar Jackson
L. Quinn James
Amy Rebecca Kemp
Patrick Kiseli Mativo
Kristi Ann McCracken
Emily Louise McCullough
Diane Giardina McGehean
Seth Daniel McKinney
David Lee McPherson
Pattie Dianne Merritt
Herman Lee Miller
Corrie Christine Mosteller
Teresa Leigh Pearce
Jennifer J. Phillips
Johnny Harris Phillips Jr.
Ramsey W. Price
Kim A. Qualls
Cassandra Davis Robinson
Anne Morgan Rogers
Matthew Ray Rogers
Gina Marie Santore
Erica Jean Schroeder
Yongmei Shen
Elisabeth A. Shepard
Els Teunen
Cynthia Marie Thomas
Emily Gail Thomas
Holly Kristine Trotter
Tammy Gail Walker
John Phillip Williams
Michael Christian Williams
Stephanie Ann Young

Staff reviewed and recommended approval of the original application submitted by Reece Coleman Hutcherson, II. Mr. Hutcherson failed to disclose a DWI conviction with his exam application but provided pertinent information with his certificate application. Staff

recommended approval of the application with a one-year probationary period. The Committee approved the application.

Staff reviewed and recommended approval of the original application submitted by Robert Lane Harris. Mr. Harris failed to disclose an underage drinking conviction with his exam application but provided pertinent information with his certificate application. Staff recommended approval of the application with a one-year probationary period. The Committee approved the application.

Staff reviewed and recommended approval of the original application and transfer of grades submitted by Melanie Carr Lewallen. Ms. Lewallen prepares financial statements through MedOasis Inc. Staff believed that Ms. Lewallen will be in violation of G. S. 93-8 and 21 NCAC 8N .0302(a) if certified. Therefore, Ms. Lewallen has signed a "Form of Practice Statement." The Committee approved the application.

Reciprocal Certificate Applications - The following were approved:

Daphne Jackson Ingram
Kathy Bost Jackson
Janna M. James
James E. Kessler Jr.
Naseem N. Khan
George Fredrick Lynch
Stan P. Moore

Michael S. Moss
Edward Joseph Piacentino Jr.
Chad Jeremy Rash
Monica M. Swanson
Wendy Yvonne Terry
Peter Sinclair Wilson Jr.
Jessica Amy Winski

Temporary Permits - The following temporary permits were approved by the Executive Director and ratified by the Board:

Linda T. Davidson T3485
Antoinette Marie Drda T3486
Andrea D. Ensley T3487
David J. Manifold T3488
Judith Kopka Champion T3503
Kristy H. Clark T3504
Sheri Harrison Black T3505
Dale William Gillmore T3506
Di-An T. Green T3507
Robert Norman Griffiths T3508

Christopher Douglas Hinchee T3509
David A. Hogg T3510
Raghavan Jagannathan Iyengar T3511
Patrick Douglas Morris T3512
Larry Lionel Price T3513
Christyn Rose Vanaman T3514
Matthew John Vanaman T3515
Adriannia Delores Vaughns T3516
Chad E. West T3517

Reinstatements - The following were approved:

Leah K. Abraham #17691
David Edwin Allen #16675

Susan Love Dimock #16629
Jason Earl Norman Jr. #27394

Loren Wayne Roberts Jr. #14973

Larry Russell Schwartz #27816

Reissuance of New Certificate - Applications for reissuance of new certificate and consent agreements submitted by the following were approved.

David Richard Nelson #12695

Martha Burns Zweier #19555

Firm Registrations - The following professional corporations, professional limited liability companies, and limited liability partnerships were approved by the Executive Director and ratified by the Board:

AARONS GRANT & HABIF, PLLC
Kenneth R. Anderson CPA CMA - PLLC
Jennifer Buller, CPA, P.A.
Comisso Berman Professional Corporation
Jamie G. Godwin, CPA, PA
Raymond E. Halstead, CPA, PLLC
Harper & Pearson Company, P.C.
Terri Hilliard, CPA, PLLC
Cynthia A. King, CPA, P.A.
Fred A. Lockwood & Co., P.C.

ROBERT MCEWAN, CPA, PLLC
McFADYEN & SUMNER, CPAs, PA
Benjamin R. Micham, CPA, CFP, P.A.
Minor, Anglin & Associates, P.A.
Cynthia S. Modlin, CPA, PA
Price and Schellman, PLLC
SUZETTE P. SIGMON, CPA, INC.
SLATER SOLOMON, CPA, PLLC
Mary K. Sutter, CPA, P.C.
James R. Yandle, JD CPA, PLLC

Reclassifications - The Committee approved the following requests for retired status because the individuals are completely retired and do not receive any earned compensation for current personal services in any job whatsoever:

Michelle Collier Adkins #22788
Richard Larkin Bullard #5853
Stephen H. Cathey #11292

Charles Edward Cox #10157
Mattie Brite Jennette #14382
Ronald McCarthy #23671

CPE Matters

Staff reviewed and recommended approval or disapproval of the ethics courses from the organizations listed below. The Committee reviewed and the following recommendations were made:

- "Ethics and Professional Conduct for North Carolina CPAs" by Professional Education Services LP - Messrs. Harris and Winstead moved to approve. Motion passed.
- "Ethics for Financial Professionals" by Western CPE - Messrs. Clark and Winstead moved to disapprove. Motion passed.
- "Professional Ethics and Conduct" by Eagle CPA - Tim L. Kennedy CPA- Messrs. Harris and Winstead moved to approve. Motion passed.

- "Think 2006" by Hartzman - Messrs. Clark and Winstead moved to disapprove. Motion passed.

Staff reviewed a request from Norborne G. Smith Jr. (#861) for exemption from 21 NCAC 8G .0409(c), which requires at least 8 hours of non self-study each year. The Committee recommended that the request be reviewed by the full Board in Closed Session. Messrs. Winstead and Clark moved to deny the request for exemption from 21 NCAC 8G .0409(c). Motion passed with six (6) affirmative votes and zero (0) negative votes.

Extension Requests - The Committee disapproved the following individuals for extension for completion of CPE:

Michael Maclay Cummings #16339
Cecelia A. Elkins #12014
Susan C. Heath #31058

J. Lewis McKnight Jr. #22472
David Stoessel #12468

Firm Renewal and Peer Review Matters - The firms listed below submitted a renewal or termination notice less than 60 days after the deadline. A conditional license until March 23, 2007, is applicable for all firm owners pursuant to 21 NCAC 8J .0111(1). The Committee approved staff recommendation:

Debra G. Blevins CPA #16787
Arthur Dana & Company P.C.
Kenneth Paul Wood #22546
Omayra D. Coon CPA #23641
M. S. Khan CPA #15297

Stephon Newkirk CPA PA
Stephon Newkirk #26132
Carley L. Walker CPA #14461
Larry E. Widis PLLC
Larry Elliott Widis CPA #12798

Examinations - Staff reviewed and recommended disapproval of a request submitted by exam candidate William Dooley. Mr. Dooley requested a refund of exam application fees. The Committee disapproved his request.

PUBLIC HEARING: President moved to convene the Public Hearing scheduled to hear Case No. 200601-004, Jeffrey Garth Lewis. Jeffrey Garth Lewis and Henry G. Lewis were sworn in and presented testimony. Messrs. Clark and Harris moved to enter Closed Session with Legal Counsel to consider the matter. The Board re-entered the Public Hearing and Messrs. Winstead and Clark moved to approve a Board Order approving Mr. Lewis's application for Modification of Discipline and submission of an application for reinstatement of his North Carolina CPA certificate. The motion passed with six (6) affirmative votes and zero (0) negative votes. The entire Public Hearing is a matter of public record (Appendix II).

CLOSED SESSION: Messrs. Jordan and Harris moved to enter Closed Session with Executive Staff and Legal Counsel to discuss an application matter as well as a legal matter. Motion passed.

PUBLIC SESSION: Messrs. Winstead and Clark moved to re-enter Public Session to continue with the Agenda. Motion passed.

EXECUTIVE STAFF AND LEGAL COUNSEL REPORT: Messrs. Cox and Harris moved to direct Highland Publishing Company to submit all correspondence and requests to the Board through the Executive Staff. Motion passed.

ADJOURNMENT: Messrs. Jordan and Harris moved to adjourn the meeting at 3:15 p.m. Motion passed.

Respectfully submitted:

Attested to by:



Robert N. Brooks
Executive Director



Leonard W. Jones, CPA
President

Appendix I

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS
CASE #: 200504-032

IN THE MATTER OF:
Donald W. Wilson, #13464
Respondent

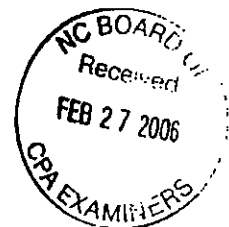
CONSENT ORDER

THIS CAUSE, coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to NCGS 150B-41, the Board and Respondent stipulate the following Findings:

1. Respondent is the holder of North Carolina certificate number 13464 as a Certified Public Accountant.
2. In response to a client's demand for return of records including copies of joint tax returns, Respondent failed to return to the client with those records in a timely manner.
3. Respondent informed the client that Respondent would ask the client's ex-wife to provide, to the client, the copies of the joint tax returns as requested by the client.
4. Eventually, over five months after the original demand, and over four months after Board Staff initially contacted Respondent about the records, Respondent provided copies of the demanded records to the client's attorney.
5. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Order with the Board *ex parte*, whether or not the Board accepts this Order as written.

BASED upon the foregoing, the Board makes the following Conclusions of Law:

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes (NCGS) and Title 21, Chapter 8 of the North Carolina Administrative Code (NCAC), including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.



Consent Order - 2
Donald W. Wilson

2. Respondent's actions and failures to act, as set out above, constitute violations of NCGS 93-12 (9)e and 21 NCAC 8N .0305.

BASED on the foregoing and in lieu of further proceedings under 21 NCAC Chapter 8C, the Board and Respondent agree to the following Order:

1. Respondent is censured.

CONSENTED TO THIS THE 24 DAY OF FEBRUARY, 2006.

Donald W. Wilson
Respondent

APPROVED BY THE BOARD THIS THE 23rd DAY OF March, 2006.

NORTH CAROLINA STATE BOARD OF CERTIFIED
PUBLIC ACCOUNTANT EXAMINERS

BOARD
SEAL



BY: Lemuel J. Ford
President



Appendix II

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS
CASE #: 200601-004

IN THE MATTER OF:
Jeffrey Garth Lewis, #13509
Applicant

BOARD ORDER

THIS CAUSE coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, at public hearing, with a quorum present, the Board finds, based on the evidence presented at the hearing on March 23, 2006, that:

FINDINGS OF FACT

1. The parties have been properly identified.
2. The Board has jurisdiction over Applicant and this matter.
3. Applicant received at least fifteen (15) days written Notice of Hearing of this Matter by personal service, certified mail, or other approved personal delivery; or otherwise has no objection to the Notice of Hearing.
4. Venue is proper and the Noticed Hearing was properly held at 1101 Oberlin Road, Raleigh, Wake County, North Carolina.
5. Applicant had no objection to any Board Member's participation in the Hearing of this Matter.
6. Applicant was present at the Hearing and was represented by counsel.
7. Applicant was the holder of a certificate as a Certified Public Accountant in North Carolina and is therefore subject to the provisions of Chapter 93 of the North Carolina General Statutes (NCGS) and Title 21, Chapter 8 of the North Carolina Administrative Code (NCAC), including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
8. The matter is before the Board upon application by Applicant for modification of discipline pursuant to 21 NCAC 8I .0104.
9. Applicant failed to pay the taxes due from his unfiled federal income tax returns for calendar years 1992, 1993, and 1994 within the time required by law.

10. In March of 1998, Applicant pleaded guilty to failure to file an individual United States income tax return for 1993. Applicant was sentenced to home confinement for a period not to exceed six (6) months, twenty-four (24) months probation, to perform four hundred forty (440) hours of community services, was prohibited from incurring new credit charges or opening additional lines of credit without approval of the probation officer, and was required to make all requested financial information available to the probation officer.
11. During this period, Applicant failed to file individual North Carolina income tax returns for the calendar years, 1992, 1993, and 1994 within the time required by law.
12. Applicant's failures to file federal and state individual income tax returns were violations of NCGS 93-12 (9)e and 21 NCAC 8N .0207.
13. Applicant's guilty plea to failure to file an individual federal income tax return was a violation of NCGS 93-12 (9) and 21 NCAC 8N .0203.
14. Pursuant to a Consent Order, the Certified Public Accountant certificate issued to Applicant was permanently revoked effective August 21, 2000.
15. Applicant has complied with his conditions of probation and was formally released from probation on December 8, 2000.
16. In support of his request for modification of discipline, Applicant has provided letters from the community and the required supporting recommendations from a least three (3) certified public accountants.
17. Applicant has not attempted to deny responsibility for his actions, either to the court or to the Board, and has worked diligently and successfully to rehabilitate himself.

CONCLUSIONS OF LAW

1. The Hearing was duly noticed pursuant to NCGS 150B-38 (b)(c) and 21 NCAC 8C.0103 and conducted with a quorum of Board members and all necessary parties present.

Board Order - 3
Jeffrey Garth Lewis

2. Since the discipline in this case was determined by consent to permanent revocation, pursuant to 21 NCAC 8I .0104, the burden of establishing a justification for modifying the earlier discipline is upon the applicant.
3. Applicant has presented persuasive evidence that he has been completely rehabilitated and that he has support of the aggrieved parties and the community.

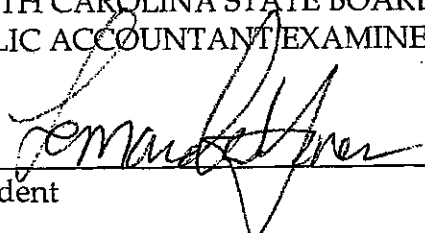
BASED ON THE FOREGOING, the Board orders in a vote of 6 to 0 that:

1. Jeffrey Garth Lewis' application for modification of discipline is approved and Mr. Lewis may now submit his application for reissuance.

This the 23rd day of March 2006.



NORTH CAROLINA STATE BOARD OF CERTIFIED
PUBLIC ACCOUNTANT EXAMINERS

BY: 
President